

For Clerk's Office Use

Judge <u>K</u>	Recd Date	Grv.
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For use by inmates in filing a complaint under CIVIL RIGHTS ACT, 42 USC §1983

INMATE NAME: Antonio HawkinsPRISONER NO.: 1182989PLACE OF CONFINEMENT: River North Correctional CenterIN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISIONCLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

NOV 29 2018

Antonio Demetrius Hawkins

Enter Full Name

Plaintiff

JULIA C. DUDLEY, CLERK  
BY: A. Beeson  
DEPUTY CLERK

vs.

CIVIL ACTION NO. 7:18CV591Sgt. Jackson - C/O "Big" Lundy - Lt. Colinac/o Halsey - c/o Warren - Sgt. Mays - c/o J. Devine

Enter Full Name(s)

Defendant(s)

A. Have you begun other actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

✓ Yes        No

B. If your answer to A is Yes, describe the action in the space below.

1. Parties to the Action: Cpl. McCawley - Dep. Bussler - Dep. Drew  
Dr. JamaludeenVB50 employee's2. Court: U.S District Court Eastern District of Virginia3. Docket No.: 2:18cv1884. Judge: Arenda L. Wright Allen5. Disposition: still pending

(For example, is the case still pending? if not, what was the ruling? Was the case appealed?)

C. Have you filed any grievances regarding the facts of your complaint?

Yes ✓ No       

1. If your answer is Yes, complete the enclosed verified statement, indicating the result. Please attach evidence of your exhaustion of all available grievance procedures.

The answer failed to provide any type of remedy to rectify what happened.

2. If your answer is No, indicate the reason for failure to exhaust on the verified statement. You may be required to exhaust your claims through any applicable grievance procedures. Your complaint may be dismissed if you fail to exhaust all avenues of the grievance process in a timely fashion.

- D. Statement of Claim - State here briefly the facts of your case. Describe what action(s) each defendant took in violation of your constitutional rights. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. Use as much space as needed. You may attach extra paper if necessary.

Claim #1 - Supporting Facts - Tell your story briefly without citing cases or law.

Go to paper package →

Claim #2 - Supporting Facts - Tell your story briefly without citing cases or law.

Go to paper package →

Claim #3 - Supporting Facts - Tell your story briefly without citing cases or law.

Go to paper package →

- E. State what relief you seek from the Court. Make no legal arguments, cite no cases or statutes.

\$500,000.00 (Five hundred thousand dollars)

An immediate transfer from RNCC and the Western Region

SIGNED THIS 5th DAY OF Nov, 2018.

[Signature]

(Signature of Each Plaintiff)

VERIFICATION:

I, Antonio Hawkins, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 USC §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, three or more occasions, while incarcerated, brought an action or appeal in federal court that are dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of filing fees.

I declare under penalty of perjury the foregoing to be true and correct.

DATED: 10-5-18 SIGNED: [Signature]

(12-21-17)

Claim ① (In regards to: Sgt. Jackson / c/o Big Lundy,

On 12-21-17 I arrived at River North Correctional Center. Before coming to River North I had received a brand new television while I was in seg at Augusta. Before leaving Augusta the property officer made sure he had plugged the television in in front of me to confirm that it was working. Upon getting off the bus at River North there were at least 10 officers waiting outside. Two of the officers were c/o Lundy and Sgt. Jackson. As soon as the other inmates and I stepped off of the bus vulgar and racist comments were being made by the officers towards us. Comments like: "Boy do y'all know were y'all at." And, "Y'all black asses are ours now." It was like they were trying to intimidate us for no reason. Those comments were made by Sgt. Jackson and c/o Lundy. After that our televisions were taken from us by Sgt. Mainer. Then the other three inmates and I were taken to segregation. In the following week, on the day we were being released (12-28-17) the property officer Repass informed me and other three black inmates that all our televisions were broken. He said that spider web cracks were on all of our screens. All of our T.V's the same way.

This was a hate crime and a statement. A statement saying, "Welcome to River North. We don't like your kind and if you don't want trouble

like this then you better stay in line."

The message was made soon as we got off of the bus and it was made loud and clear in regards to <sup>my</sup> television. At River North destroying an inmates property is a well known retaliation tactic used as a form of revenge to get back at inmates who they deem are disrespectful. The records of grievances in regards to this heinous tactic speak for its self.

As a result of these acts Sgt Jackson and c/o Lundy are liable for violating my <sup>eight</sup> ~~fourteenth~~ and fourteenth amendments. Those acts caused me emotional distress and psychological trauma. I also had to spend money to get my television fixed. Due to <sup>the</sup> severity of <sup>the</sup> comments made by Sgt Jackson and c/o Lundy I believe that is enough circumstantial evidence that points them having something to do with vandalizing my T.V. On my second attempt my grievances were rejected by the grievance coordinator and dismissed. In <sup>the</sup> end no investigation was done (see grievances).

(5/23/19)

claim ② (In regards to: Lt. Colna /c/o "Big" Lundy)

On 5/23/18 about 8:30 am I was told by a floor officer to go to medical because of the on-going chest pains I was having. Before I exited the pod (A-2) c/o Hickman and Lt. Colna came out of the office to inquire where I was going. I told them it felt like I was having a heart attack and that the floor officer had told me to go to medical. Lt. Colna then stated: "I don't care get your ass back in the pod." When I hesitated Lt. Colna put me in cuffs then pushed my face into the wall. I then reacted by telling Lt. Colna to "suck my dick". In response Lt. Colna said these things to me: "Boy you better shut your black ass up before I take you in the office and beat your skull in". I then told him that I wasn't scared of him and that he could not intimidate me. He responded by saying: "You got cuffs on right now boy, I'll fuck you up, pussy you keep running your mouth im going to stick a broomstick up your ass". When I told him that I would fight him back if he tried he whispered in my ear: "I hope you die nigger". I continued to tell him that I was having chest pains and he told me to die.

Five minutes later Lt. Colna called outside to c/o Lundy so that he could take me to segregation.

When c/o Lundy grabbed my cuffs from behind Lt. Colna said this to c/o Lundy: "Introduce him to River North the proper way." Then Lt. Colna stated to me: "Bye you pussy". After I responded back "fuck you" to Lt. Colna c/o Lundy then began to twist my right wrist in the handcuffs then he told me to "shut the fuck up". He twisted my hand so hard that my hand started to go numb. When I yelled out from the pain c/o Lundy started choking me by my collar till I couldn't breathe. Other inmates who witnessed this outside were yelling "stop choking him. He can't breathe!" Once I was in seg Nurse Turner witnessed the condition of my mangled hand and cuts on my wrist. After that she gave me a medical evaluation to assess my chest ~~the~~ pain (which was due to hypertension).

Both of these River North officers, Lt. Colna and c/o Lundy are known for their racist and vindictive indifference towards black inmates. The sexual comment made by Lt. Colna was truly disturbing. River North Correction officers are known to use a tactic called "cranking your wrist", which is to twist an inmates hands, in cuffs behind one's back, as hard as they can. It is ~~meant~~ ment to cause ~~the~~ pain by cutting an inmates wrist. It is used-

as a retaliation tactic when officers get mad at inmates for "talking to much".

Lt. Colna and c/o Lundy are both liable for violating my eighth and fourteenth amendments. Lt. Colna's verbal abuse containing threats of physical harm, sexual abuse and racial slurs have left me traumatized psychologically and emotionally. I am scared to death of that man. C/o Lundy's use of excessive force on the orders of Lt. Colna has caused nerve damage in my right hand and wrist. Due to the injury, the top and thumb side of my right hand is completely numb and void of proper blood circulation. I can barely open and close my hand without contracting muscle locking spasms. In regards to the injury I obtained, I was first seen by Dr. Stevens on 5/30/18. On that day Dr. Stevens examined the condition of my ~~right~~ ~~hand~~ hand and scheduled me for an x-ray. That x-ray showed no broken bones but Dr. Stevens said I had nerve damage due to superficial nerve inflammation. I was prescribed nerve medication for nerve pain and Roboxan for the muscle spasms. I was also seen on 7/18 for continuing pain.



(8/27/18)

claim ③ (In regards to: Lt. Colna )

On 8/27/18 while I was in A-1 pod an inmate who is a member of the "blood gang" informed me that Lt. Colna had told several members of high rank in the blood gang in C-building that I was "snitching" on them and certain activities that they were involved in. The inmate also told me that because of that I now had a "hit" placed on me. After hearing this I went outside to rec where other inmates confirmed that Lt. Colna had lied to gang members and now a "hit" was placed on my life. After hearing this I immediately wrote an informal complaint and informed the Unit Manager in regards to what Lt. Colna was doing. To no avail. Lt. Colna has done this in retaliation for me writing grievances (which led to a P.R.E.A investigation) for him making abusive, sexual and racist comments and threats towards me on 5/23/18. Not only am I in danger at River North but also Wallens Ridge. Some of the top ranking "bloods" at River North have sent word to members at Wallens Ridge to attack if I came there.



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Getting hits put on inmates is also another retaliation tactic used by River North high ranking officers. What these officers will do is either spread a "snitch" rumor in regards to the inmate they want hit or they will flat out hire an inmate to attack someone for a small fee. The officers will offer bags of commissary, electronic items or pod jobs to any inmate that they feel will get the job done. Lt. Colna is one of the officers, amongst a hand full, known for putting hits on inmates who write grievances on him or verbal altercations with him. In fact there is an officer by the name of Sgt. Murry who was just demoted back to regular officer because she persuaded an inmate to attack another inmate because that inmate offended her. Hits being placed on inmates are prevalent at River North if one offends the wrong officer. I offended Lt. Colna and got a "hit" put on me.

Lt. Colna is liable for violating my eighth amendment right. Because I wrote grievances on Lt. Colna, which offended him, he took it upon himself to punish me in his own fashion. He punished me

by spreading a rumor to gang members that I snitched on them, there by getting a gang hit placed on me. That is cruel and unusual.

Because of the actions of Lt. Colna I fear for my life. I am paranoid and do not trust anyone. I am currently on Prozac to battle the depression that I've been feeling due to all the gang threats. I am currently in protective custody because I can't go to general population at River North or Wallens Ridge. I do not want to get stabbed.

Claim ④ (In regards to c/o Halsey) (5/23/18)

On 5/23/18 while I was in A-2 seg ped at River North I requested two informal complaints from officer Halsey. The informal complaints was in regards to an incident that happened earlier that day involving Lt. Colna and c/o Lundy. Upon request of the complaints officer Halsey denied me. He stated "if your writting other officers up i'm not getting you shit". I had to wait till the night shift to receive the complaints. A couple of weeks had went by after I had submitted my complaints

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and I had not recieved any receipts in regards to those complaints. On 6/12/18 while still in seg, officer Halsey came to my door from the middle of nowhere and said: "Good luck with those complaints making it to the mailbox". Later that night I informed Lt. Richardson about what c/o Halsey was doing and he instructed me to give him all my informal complaints from then on. c/o Halsey was later removed out of the building because of this.

This is another retaliation or more so a deterrence tactic used by River North officers. If an officer feels as though an inmate will write them up, the officer will refuse to issue a complaint to an inmate upon request. Officers will also delay, hinder or right throw away any grievance that they deem they or their "buddies" are the subject of. c/o Halsey is known for doing such.

c/o Halsey is liable for violating my first amendment rights. c/o Halsey not only hindered my first amendment right by denying me an informal complaint he also circumvented my institutional

mail once I submitted two informal complaints. By deterring my freedom of speech within these confines c/o Halsey has violated my first amendment rights. Because of his actions I was delayed in my right to exhaust my grievance procedure.

Claim ⑤ (In regards to: C/o Warren) (6/13/18)

On 6/13/18 between 3:15 - 4:30 pm as B-2 pod was exiting the chow hall c/o Warren asked me to step to the side so he could pat me down on a routine pat down. As c/o Warren was patting me down he whispered this comment in my ear: "You're the little pussy that keeps writing my officers up". He was referring to me writing grievances on Lt. Colina and c/o Lundy. After he said that comment I responded back by saying: "Did you enjoy feeling on another man". Once I said that c/o Warren and Sgt. Wolf slammed me against a fence then cuffed my hands then took <sup>me</sup> to seg. On the way to segregation c/o Warren made this comment: "You better hope I don't have to pack your shit." (Referring to my property in B-2)

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Once I was locked inside a seg shower, awaiting a cell, Sgt. Wolf and c/o Warren had came back with my property. They did not bring my property into the seg pod to inventory my property, which is the normal way it is done, but sat out of sight in the hallway with my property. They never gave me a copy of my property form, which is also the norm, they just gave me my Bible then took my property to the property building. Before c/o Warren exited A-2 seg he made this comment to me: "You're going to have a big smile on your face when you get out." On the day that was released from seg (6/28/18) I was escorted by Sgt Dalton to A-1. Upon entering A-1 and settling into my cell, I pulled ~~my~~ <sup>my</sup> JPS player out of my bag to discover that my screen was cracked on my JPS. It had a boot print on the cracked screen. I immediately informed Sgt. Dalton and c/o Bowman and showed them the condition that my player was in. I informed Assistant Warden White and he took a picture of my JPS with his phone and informed me that he would investigate what had occurred.

During Warden White's investigation and the response process of my grievance procedure there was total disregard from the powers that be in regards to my situation. (see grievance number - ~~████████████████████~~)

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~~REDACTED~~ (RNCC-18-REG-00225) The property officer Repass lied and the camera footage will prove it.

This is another act of retaliation due me writing my grievance on Lt. Colna. This incident follows the <sup>same</sup> ~~same~~ common thread of retaliation since I submitted a grievance in regards to ~~Sgt~~ Lt. Colna. Once again the retaliation of destroying an inmates electronics (JP5) was used as a tactic. Because c/o Warren ~~felt~~ ~~felt~~ I offend him he destroyed my player in regards to me writing grievances on Lt. Colna. His initial verbal abuse towards me was just the catalyse.

c/o Warren is liable for violating my eighth amendment rights. The right to be free from a correctional officer's vandalizing my property in retaliation.

claim ⑥ (In regards to: Sgt. Mays / c/o J. Devine) (9/18/18)

On 9/18/18 Sgt. Mays escorted me from A-4 into the seg pod A-2 for a minor conflict that occurred between another officer and I. As Sgt Mays was taking me to a cell he made this statement: "I heard your the one who's trying to get c/o's fired. Why are you being such a dick." After ~~he~~ -

that comment I informed him that I would write him up for what he just said and then I requested an informal complaint. Sgt. Mays denied me an informal complaint then made this statement: "I aint giving you shit." After he made that comment I was escorted to cell 236.

On the next day (9-19-18) I was continuously denied informal complaints by Sgt. Mays, C/O Dalton and C/O J. Devine.

The day after that (9-20-18) as I was exiting cell A236 for showers (8:00 am) C/O Devine made this comment to me: "Whaaa you little pussy you still crying about trying to write officers up." I then turned around and said: "Who are you calling a pussy?" As soon as I said that, with the assistance of C/O Denton, C/O J. Devine began to ram my head into the wall using excessive force. At that time Sgt. Mays ordered C/O Devine to "crank those motherfuckers up" in reference to twisting my hands in cuffs behind my back. I felt like was breaking my wrist. As they were dragging me to the stairs I informed them that I couldn't walk properly because the shackles were cutting into my ankles. After I said that Sgt. Mays made this comment:



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Drag his black ass down the stairs, which they attempted to do until I regained my balance. After I was taken down the stairs I was placed in strip cell A224. That whole cell was covered in feces, the bed also. The day before an inmate was in that cell smearing feces all over the cell. That cell was not cleaned thoroughly. C/O Devine slammed my face into the feces covered bed and said: "He likes writing officers up. Put his face right into this shit". After that Sgt. Mays made this comment: "He wants to act like a monkey he's going to get humiliated like one". I was then stripped naked then placed in restraints by Sgt. Wolf. There was no justification for me being stripped naked and placed in restraints. I was not out of control nor was I acting in an aggressive manner. The camera footage will confirm that. A couple of minutes later C/O J. Devine came to my window, as I was sitting naked, and said: "Look at that little motherfucker you got. I thought you guys had bigger ones than that". It was so cold it felt like I was freezing. Sgt. Mays refused to give me a safety smock to cover up with. While I was in that cell my water was off for six hours. While I was in that cell Sgt. Mays instructed

the floor officers not to feed me lunch or dinner as punishment. When the water was finally cut on I could not even reach the sink because of the restraints. When I had the need to defecate I asked for toilet paper which was refused by Sgt. Mays. Despite being denied toilet paper I still made an effort to defecate, yet I had nothing to wipe myself with. Another time I had to defecate, I asked Sgt. ~~May~~<sup>Mays</sup> to uncuff one hand so that I could wipe myself with my bare hand and water. Still he refused. I stayed in that cell covered in fecal matter for 24 hours. The next day I was taken out of the strip cell and placed back in cell 236 with all of my property.

Once again a retaliation tactic was utilized because the officers felt as though I offended them. The tactic of "cranking" my hands up in cuffs behind my back, was used out of retaliation to inflict pain. S/O Devine attempted to break my hand in regards to this. There was no justification in putting me in a feces covered strip cell. There was no justification in taking clothes away from me and placing me in restraints. →

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There was no justification for denying my trays as punishment. There was no justification for leaving me in a cell for six hours without water. There was no justification for being subjected to racist and sexual comments from officers. There was no justification for me being denied basic human needs such as having toilet paper and the ability to wipe myself.

These incidents are all part of a common thread of retaliation against me at River North. The common thread is the result of me writing Lt. Colna up because he made racist and sexual comments towards me. Because of this I've been threatened. My life has been threatened and I've had property destroyed all in retaliation to me writing this one man up. Everything that's happened to me are common tactics utilized by officers towards inmates who they feel write too many complaints.

Sgt. Mays and Officer J. Devine are both liable for violating my eighth amendment rights. Sgt. Mays is also liable for violating my fourteenth amendment rights. First of all there was no justification for officer Devine to use excessive force when he was not provoked to do so. That initial unnecessary use of ~~excessive~~ excessive force was an

eight amendment violation. Sgt. Mays ordering C/O J. Devine to "crank" my hands in cuffs behind my back was cruel and unusual. C/O J. Devine inflicted pain on me with no justification. Later on that night the barbaric injuries that I obtained were first witnessed by Nurse Jones. There was a two inch gash on the side of my left wrist as well as additional nicks and small cuts on my right wrist. There was no feeling or circulation in either of my hands. I'm still devoid of either until this day. On 10/9/18 I was seen by Dr. Stevens in regards to my hand injuries. I was told by Dr. Stevens that I obtained superficial inflammatory nerve damage to both hands. Sgt Mays ordering officers to drag his black ass down the stairs was a violation of my eighth amendment rights. Sgt. Mays ordering officers to place me in a feces covered strip cell with no justification or without due process is a violation of my eighth and fourteenth amendments rights. ~~██████~~ Sgt. Mays making the racist and sexually abusive comment; "Since he wants to act like a monkey we're going to strip him down and treat him like one"; is a violation of my eighth amendment rights. That type of

cruel and unusual punishment have left me emotionally scared. That experience degraded me as a man and human being. C/O J. Devine making the racist and sexual comment; "Look at that small motherfucker I thought you guys had bigger ones than that", is a violation of my eighth amendment rights. Being subjugated to that type of abuse, while in the midst of being punished, is cruel and unusual. Those comments made me feel ashamed of myself. I was feeling inadequate as a man. Sgt. [REDACTED] Mays denying me Food, water for six hours, clothing, toilet paper and the right to be uncuffed to defecate then wipe myself is cruel and usual. Therefore it is a violation of my eighth amendment rights.

The strip cell sanctions at RVCC are imposed for periods extending long past the misbehavior, and the use of those sanctions lacking any connection to the actual misbehavior itself. There is evidence on the record showing that strip status is used as punishment for behavior not connected to the misuse of clothing or property. However, there may be adequate penological justification for stripping inmates when and for so long as a misuse of clothing presents a risk to personal safety and property damage. Otherwise.

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it lacks a legitimate penological justification and  
is unconstitutional, such as is in my case.

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